

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Timothy S. Buckley, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F038955 People v. Hernandez

Cause called and argued by Russell Sheridan Babcock, Esq., counsel for appellant and by Robert K. Gezi, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, September 11, 2002 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Nickolas J. Dibiaso, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F037947 State of California Franchise Tax Board v. Mitties' Inc. et al.

Cause called and argued by William Mittie in pro per, appellant; David Pascoe, in pro per, appellant and by Jeffrey A. Rich, Deputy Attorney General, counsel for respondent.

Motion made in open court by William Mittie in pro per, to disqualify panel on grounds that any justice who was a former judge of the Fresno County Superior Court should recuse themselves because of bias in favor of Fresno County Superior Court Judgment in this case.

Motion denied on grounds no legal basis for peremptory disqualification and no basis stated constituting cause or demonstrating express or implied bias.

Cause ordered submitted.

Court recessed until Friday, September 13, 2002 at 10:00 A.M.

IN THE

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IN AND FOR THE

Fifth Appellate District

F041171 Norris C. v. The Superior Court of Kings County; Kings County Department of Human Services

Pursuant to the terms of this court's order of August 30, 2002, and the failure of any party to request oral argument, the oral argument date of September 26, 2002, is vacated. This matter is deemed submitted on the date of this order.

F039230 In re David F., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F039230 In re David F., a Minor

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040361 In re Jose M., a Minor.

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F039913 In re Nicole R. et al.; Minors.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F039913 In re Nicole R. et al. Minors

The order appealed from is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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- F038480 People v. McKinney**
The judgment is affirmed. Dibiaso, J.
We concur: Ardaiz, P.J. ; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F034110 People v. Chavez, et al.**
The petitions for rehearing filed by appellants Marcos Chavez and Jaime Guzman are denied.
- F040124 In re Laith A. et al., Minors**
No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F040201 In re Elizabeth W. et al., Minors**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F040201 In re Elizabeth W. et al., Minors.**
The order of the trial court terminating D.W.'s parental rights to Elizabeth, Angel and Samantha is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F039517 Tuolumne Co. Visitors Bureau, Inc. v. Tuolumne Co. Film Consortium, Inc.**
F040376
No brief having been filed by appellant in Consolidated case F040376 after notice duly given under rule 17(a) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the said action is dismissed.
- F038878 People v. Lewis**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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IN AND FOR THE
Fifth Appellate District

F038878 People v. Lewis

Imposition of the \$270 fine is vacated. The trial court is directed to prepare an amended abstract of judgment consistent with this opinion and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]